

Calendar date of 6/2/10

**THE NOTES BELOW REPRESENT NOTES
AFTER THE SECOND CHECK HAS BEEN
COMPLETED. NO FURTHER DOCUMENTS
WILL BE REVIEWED PRIOR TO HEARING.**

**The Probate Examiners can be reached at
ProbateNotes@sb-court.org.**

Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF NOTES. No legal or procedural advice may be given.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH ***PROBATE***

DATE: 06/02/10 TIME: 9:00 DEPT: S33P

CASE#: BPR BS00853

CASE NAME: MAGGIE L MCSHAN

VACATED- FINAL DISCHARGE IS APPROVED AND SUBMITTED FOR SIGNATURE.

HEARING:
Hearing re Final Discharge

COUNSEL:
RUTH E NEAL (PET)...JOHN F WEBER
MAGGIE L MCSHAN (DEC)...

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 9:00 DEPT: S33P

CASE#: CON PS0800092

CASE NAME: MINNIE JO BAKER

SEE ALSO 3 & COMPANION FILE PROPS0900197 ON PAGES 16 & 17

HEARING:
FIRST AND FINAL Account and Report of JAMIE JO RICE and Petition
for allowance of fees filed.

COUNSEL:

JAMIE RICE	(CPE)...PRO/PER
MINNIE JO BAKER	(CEP)...SHERRI L KAS TILAHN
THOMAS JAY BAKER	(PCR)...KARIN HORSPOOL
RICHARD WYSONG	(SC)...JAMES B CHURCH
JAMIE JO RICE	(PET)...PRO/PER
LORETTA STONEHOUSE	(OBJ)...PRO/PER
RENA MUNN	(BROWN WHITE & NEWHOUSE LLP)...BROWN WHI
THOMAS JAY BAKER	()...

GENERAL INFORMATION

Continued from **11/05/09, 12/14/09, 1/28/10** and **3/4/10**. Need Declaration from caretakers and declaration re NSF fees totaling \$180 (note 6 below). On 12/14/09, counsel states that objections will be filed by Rena Munn and Thomas Baker. Court notes that any parties filing objections shall do so by 2/19/10 and serve all parties.
Continued from 4/29/10.

THIS CASE IS SET FOR HEARING ON First and Final Account of Jamie Jo Rice

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting covers period: 4/16/08 – 7/16/08
2. Assets on hand: \$7,943.13 (cash)
3. Petitioner/Rice alleges that Rena Munn, successor temporary conservator has in her possession pertinent documents related to petitioner's accounting and thus, petitioner had a difficult time preparing the accounting.

4. Petitioner does not request fees. However, petitioner is requesting reimbursement of expenses paid totaling \$4,892.50 of which \$4,000 is attorney's retainer fees. Itemized. JTD
5. On disbursements, petitioner paid to caregivers during the accounting period. Need to file verified declaration from caregivers acknowledging receipt of fees per local rule 20-1406(c).
6. On disbursements, petitioner incurred "NSF fees" totaling \$180.00 during the accounting period. Question the circumstances for incurring these charges? Also question whether petitioner should be personally liable for such fees? File verified supplement.
7. Notice of hearing and proof of service filed re allegations in support of first and final account. Does court wish to require service as to actual accounting? JTD
8. **Objections filed by Rena Munn, Successor Conservator.**
9. **Objections filed by Thomas Jay Baker**
10. **Objections filed by Attorney Sheri Kastilahn, Court-Appointed Counsel.**

RECOMMENDATION:

Need to clear notes and then set for contested hearing.

(gls/cbr/gls/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 9:00 DEPT: S33P

CASE#: CON PS0800092

CASE NAME: MINNIE JO BAKER

SEE ALSO 2 & COMPANION FILE PROPS0900197 ON PAGES 16 & 17

HEARING:

SECOND AND FINAL Account and Report of RICHARD WYSONG and
Petition for allowance of fees filed.

COUNSEL:

JAMIE RICE	(CPE)...PRO/PER
MINNIE JO BAKER	(CEP)...SHERRI L KAS TILAHN
THOMAS JAY BAKER	(PCR)...KARIN HORSPOOL
RICHARD WYSONG	(SC)...JAMES B CHURCH
JAMIE JO RICE	(PET)...PRO/PER
LORETTA STONEHOUSE	(OBJ)...PRO/PER
RENA MUNN	(BROWN WHITE & NEWHOUSE LLP)...BROWN WHI
THOMAS JAY BAKER	()...

GENERAL INFORMATION

Continued from **11/05/09, 12/14/09, 1/28/10, and 3/4/10**. Court notes that any parties
filing objections must do so by 2/19/10.

Continued from 4/29/10.

THIS CASE IS SET FOR HEARING ON Second and Final Account and Petition for
Allowance of Fees filed by Richard Wysong (private professional fiduciary)

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting covers period: 11/1/08 – 2/27/09
2. Assets on hand: \$0(transferred to successor)
3. Petitioner does not request compensation.
4. Attorney requests \$9,192.75 fees and \$705 costs. Itemized. Calculated
based upon attys at \$250-\$275/hr and paralegals at \$75-\$100/hr. JTD.

RECOMMENDATION:

RFA subject to court's determination re fees. If approved, appears petitioner can be
discharged without need for receipts and petition for final discharge (no assets are on
hand for distribution).

(gls/abs/cbr/abs/gls/kra)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 9:00 DEPT: S33P

CASE#: PRO DS1000081

CASE NAME: MTR OF DORA JEAN MOORER

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

LISA MOORER (PET)...PRO/PER
DORA JEAN MOORER (DEC)...

GENERAL INFORMATION

Continued from 3/10/10 and 4/28/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Issues re bond:
 - a. Petitioner alleges that all heirs waive bond. However, need waiver from Kathy Elliott and Debbie Moorers.
 - b. Alternatively, court could require full bond (estate is \$65,000 real property only) or minimum bond (\$20,000) as petitioner is a Washington state resident and require that any eventual sale proceeds be placed in a blocked account.

RECOMMENDATION

RFA, court's determination re bond. If approved, set future hearing for Accounting/Status Review on **8/10/11**. Any accounting to be filed 30 days in advance. Note Local Rule requirements.

(kra/abs/kra)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 9:00 DEPT: S33P

CASE#: PRO DS1000181

CASE NAME: WILLIAM R. YOUNG ESTATE

HEARING:

Petition for FOR DECLARATION TO HAVE PREMARITAL AGREEMENT
DECLARED VOID.

COUNSEL:

ERWINA YOUNG (PET)...STANLEY W HODGE
THE WILLIAM R. YOUNG ESTATE (TRU)...
ROBERT LEE YOUNG (PET)...JOHN E DOUGLASS

Continued from 4/28/10.

No calendar notes will be prepared. Judge to decide.

FUTURE HEARINGS:

6/28/10 Petition for DECLARATION THAT THE PETITION TO HAVE A PORTION OF
THE PROPERTY CONTAINED IN THE WILLIAM R. YOUNG

6/28/10 Petition for A PORTION OF THE PROPERTY CONTAINED IN THE WILLIAM R.
YOUNG TRUST

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 9:00 DEPT: S33P

CASE#: PRO DS1000289

CASE NAME: FRANK THOMAS

HEARING:

Hearing re: Petition for Letters of Testamentary With Full Authority Under IAEA..

COUNSEL:

CHRISTOPHER THOMAS (PET)...GABRIELLE R RANSELL
FRANK THOMAS (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Letters Testamentary with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Section 8 is incomplete as those named in decedent's will are not listed. Need verified supplement.
2. Need proof of service of the notice of Petition to Administer Estate on persons listed in decedent's will (see note 2).
3. Petitioner alleges that he is the propose executor and willing to act. However, decedent's will nominates first, nephew, James Thomas and second, brother, Christian Thomas. Petitioner is not named as executor. Need declinations to act and an amended petition, notice and publication to administer estate with will annexed.
4. Petitioner alleges that the will waives bond. However, bond is waived as to any executor named in the will. Court may wish to order full bond of \$775,000.

RECOMMENDATION:

Need to clear notes 1-3 and Court's determination re bond. If approved, set future hearing for Accounting/Status Review on **8/10/11**. Any accounting to be filed 30 days in advance. Note Local Rule requirements.

(kra)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 9:00 DEPT: S33P

CASE#: PRO DS1000311

CASE NAME: ALFRED HERMAN SOHLER

HEARING:

Hearing re: Petition for Letters of Testamentary With Full Authority Under IAEA..

COUNSEL:

SHARON DOMON (PET)...JAMES B CHURCH
ALFRED HERMAN SOHLER (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Letters Testamentary with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Will waives bond.

RECOMMENDATION:

RFA, no bond. If approved, set future hearing for Accounting/Status Review on **8/10/11**. Any accounting to be filed 30 days in advance. Note Local Rule requirements.

(kra)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 9:00 DEPT: S33P

CASE#: PRO DS1000315

CASE NAME: MTR OF RICHARD S ZERBE

HEARING:
Petition to determine succession to Real Property

COUNSEL:

MICHAEL PRZYBYLAK	(PET)...	SHERRI L KASTILAHN
PETER PRZYBYLAK	(PET)...	SHERRI L KASTILAHN
RICHARD S ZERBE	(DEC)...	

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition to determine succession to real property
(estate \$100,000 or less)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Decedent was a resident of Pennsylvania and left real property in Victorville. Neither petitioner was appointed executor in the PA probate proceedings, but the executor Gary Underwood has consented to the instant petition.
2. Petitioners request a determination of real property and personal property to pass to petitioner through decedent's will. Petitioners are the beneficiaries of the residuary estate under decedent's will. However, there are two specific bequests made to Historic Schaefferstown and to St. Paul's united Church of Christ of Schaefferstown. Need receipts or verification that there is sufficient funds in the probate estate to satisfy the specific bequests.
3. Section 14 is incomplete as to persons named in decedent's will.
4. Need notice of hearing and proof of service including all persons named in decedent's will.

RECOMMENDATION:

Need to clear notes.

(kra)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 9:00 DEPT: S33P

CASE#: PRO DS1000325

CASE NAME: THELMA LEE GILLMANN

HEARING:

Hearing re: Petition for Letters of Administration w/WA W/Full Authority under IAEA.

COUNSEL:

W A HLAVATY (PET)...C.L. FARRELL
THELMA LEE GILLMANN (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Probate of Lost Will and for Letters of Administration with Will Annexed and full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Need proof of publication.
2. Petitioner requests bond of \$45,000. Appears adequate.
3. Decedent died a resident of Nevada, but left real property in this county.
4. Petitioner is the nominee of the second named alternate executor (first alternate is deceased) and the appointed successor trustee of the Gillman Family Trust (PROPS0800030). Per declaration of the prior trustee, John Gillman, all the original documents including decedent's will were mailed to petitioner's attorney. Attorney Farrell declares that the documents were received, but that only a copy of the will was enclosed. It has been deduced that while John Gillman was acting trustee, he may have inadvertently used the original will during some transaction causing a copy to be placed among the original documents instead of the original being replaced. Court to determine if petitioner has overcome the presumption per Pr.C.§6124.
5. No objections filed at the time of review of this file.

RECOMMENDATION:

RFA subject to note 1, Court's determination re note 4 and \$45,000 bond. If approved, set future hearing for Accounting/Status Review on **8/22/11**. Any accounting to be filed 30 days in advance. Note Local Rule requirements.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0700487

CASE NAME: JOAN ELLIOTT

HEARING:
Hearing re Final Discharge

	COUNSEL:
JAMES J AMODIE	(PET)...HARTNELL LISTER & MOORE
JOAN ELLIOTT	(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON receipts and final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Final Account and distribution were approved on 5/27/09.
2. Need receipts of distribution.
3. Need Ex-parte Petition for Final Discharge and Order submitted.

RECOMMENDATION:
Inquire status.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0800345

CASE NAME: SOPHIA M. JANES

HEARING:
Accounting Review

COUNSEL:
LARRY JANES (PET)...HARTNELL LISTER & MOORE
SOPHIA M JANES (DEC)...
DEPARTMENT OF HEALTH CARE SERV(TP)...PRO/PER

GENERAL INFORMATION:

Continued from **8/12/09** and **2/24/10** at request of counsel on basis of DHS claim.
Continued from 4/28/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters Testamentary issued 06-04-08, no bond.
2. No accounting or status report of administration filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq.
(vet/abs/smj/abs/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0800801

CASE NAME: HELEN HENNESSY TRUST

VACATED- FINAL DISCHARGE FILED.

HEARING:
Hearing re Final Discharge

COUNSEL:
HELEN HENNESSY (PET)...CALDWELL, KENNEDY & PORTER, A.
HELEN HENNESSY TRUST (TRU)...

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0900005

CASE NAME: CHARLES J. WALTON JR.

VACATED- STATUS REPORT FILED AND IS SET ON 06/28/10.

HEARING:
Accounting Review

COUNSEL:
TERRI SCHLOEPP (PET)...MITCHELLWEILER LAW CORPORATION
CHARLES J WALTON JR. (DEC)...

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0900111

CASE NAME: MARIA HENRIETTA HARVEY

HEARING:
Accounting Review

COUNSEL:
FRANKLIN JONES (PET)...JOHN F WEBER
MARIA HENRIETTA HARVEY (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Letters issued 4/8/09, no bond.
2. No accounting or status report of administration filed.

RECOMMENDATION:
Inquire status.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0900147

CASE NAME: JOHNNY MAGANA

HEARING:

Hearing re: Petition for Letters of Administration w/WA W/Full Authority under IAEA.

COUNSEL:

GINGER MAGANA-CRUZ (PET)...JAMES B CHURCH
JOHNNY MAGANA (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with Will
Annexed with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Section 5a(1) indicates that decedent is survived by a spouse. However, the only spouse listed in section 8 is deceased. Question if the deceased spouse listed in section 8 was post deceased and what the date of death is. Need verified supplement.
2. Petitioner alleges that the will waives bond. However, bond is waived as to any executor named in the will. Both named executors died. Court may wish to order full bond of \$43,000.

RECOMMENDATION:

RFA subject to note 1 and Court's determination re bond. If approved, set future hearing for Accounting/Status Review on **8/10/11**. Any accounting to be filed 30 days in advance. Note Local Rule requirements.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0900197

CASE NAME: MINNIE JO BAKER

SEE ALSO 17 & COMPANION FILE CONPS0800092 ON PAGES 2 & 3

HEARING:

Hearing Re: PROBATE OF WILL & LETTERS OF TESTAMENTARY

COUNSEL:

THOMAS JAY BAKER (PET)...HORSPOOL & PARKER
MINNIE JO BAKER (DEC)...
RENA MUNN (PET)...BROWN WHITE & NEWHOUSE LLP
RENEE L TELLERIA (PET)...JAMES B CHURCH & ASSOCIATES
STATE OF CALIFORNIA FRANCHISE (TP)...PRO/PER
ENRIQUE J BAKER (PRO/PER)...PRO/PER

GENERAL INFORMATION:

Continued from **7/27/09** to allow Enrique Baker and Renee Telleria to file objections.

Continued from **8-17-09, 8-18-09** and **8/19/09**.

Continued from **10/19/09** for Enrique Baker to file a proper Will Contest.

Continued from 12/7/09 and 3/4/10 Enrique Baker and Renee Telleria to file a will contest and verification to objections by 1/4/10. Court notes the petition by Rena Munn to be appointed the special administrator is still trailing.

THIS CASE IS SET FOR HEARING ON: Amended Petition for Letters Testamentary with full authority under IAEA, by Thomas Baker (grandson)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner seeks Letters Testamentary, with full authority under IAEA and no bond.
2. Petitioner is second named executor in will; first named executor is deceased. Will waives bond. Petitioner is CA resident.
3. **Objection filed by Enrique Baker (grandson) and Renee Telleria (granddaughter).**
 - a. **Attached to the objection is a petition for probate. Question if objectors will file a competing petition. Supp: New objection filed by Renee**

Telleria on 1/4/10. Includes request for appointment of third party professional fiduciary.

b. Need proper will contest and proper service per Pr.C.§8250.

4. Response by Karin Horspool filed.

5. Petition to determine property interest; a finding of elder abuse; Will Contest; and to Disqualify Thomas Baker as beneficiary of decedent filed (see next page).

RECOMMENDATIONS:

Set for contested hearing. If approved, set future hearing for Accounting/Status Review on **2/14/11**. Any accounting to be filed 30 days in advance. Note Local Rule requirements.
(smj/kra/abs/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0900197

CASE NAME: MINNIE JO BAKER

SEE ALSO 16 & COMPANION FILE CONPS0800092 ON PAGES 2 & 3

HEARING:

Petition for ORDER DETERMINING INTEREST IN PROPERTY, PET. THAT
THE COURT FIND THAT THOMAS JAY BAKER COMMITTED AC

COUNSEL:

THOMAS JAY BAKER (PET)...HORSPOOL & PARKER
MINNIE JO BAKER (DEC)...
RENA MUNN (PET)...BROWN WHITE & NEWHOUSE LLP
RENEE L TELLERIA (PET)...JAMES B CHURCH & ASSOCIATES
STATE OF CALIFORNIA FRANCHISE (TP)...PRO/PER
ENRIQUE J BAKER (PRO/PER)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition to determine property interest; a finding of elder abuse; will contest; and to disqualify Thomas Baker as beneficiary of decedent

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner, Renee Telleria, granddaughter of decedent, alleges that Thomas Jay Baker exerted undue influence over Minnie Jo Baker prior to her being conserved. Petitioner alleges that Mr. Baker took money belonging to the decedent which she otherwise would not have given but for the undue influence.
2. Petitioner alleges that by Mr. Baker's obtaining title to money belonging to decedent' a constructive trust is formed and requests that as trustee he be ordered to return the assets.
3. Petitioner contests the will on the grounds of fraud and financial elder abuse by Thomas Baker.
4. Need proof of service of summons per Pr.C.§8250.
5. Petitioner requests Thomas baker be disqualified as a beneficiary under decedent's will based upon his acts per Pr.C.§259.
6. Petitioner requests double damages under Pr.C.§859.

7. Other that the petition for Letters Testamentary filed by Thomas Baker, no petition for appointment of general administrator filed.

RECOMMENDATION:

Need proof of summons (note 4). Set for contested hearing.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0900545

CASE NAME: MARY ROMAN VELARDE

HEARING:

WAIVER OF Account and Report of MONICA L. HINOJOS and Petition
for allowance of fees filed.

COUNSEL:

MONICA L. HINOJOS (PET)...GREGORY L ZUMBRUNN
MARY ROMAN VELARDE (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Waiver of Account and Petition for Fees and
Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. All heirs waive an accounting.
2. Petitioner proposes to distribute the estate per settlement agreement entered into by all the heirs.
3. Petitioner and attorney request statutory fees of \$5,043.24. ok
4. No request to withhold funds for closing expenses made.

RECOMMENDATION:

RFA. If approved, court to set hearing re filing receipts and final discharge for **6/8/11**.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0900565

CASE NAME: DAVID ALLEN NEWBERRY

HEARING:

WAIVER OF Account and Report of TERRY E CALDWELL and Petition
for allowance of fees filed.

COUNSEL:

TERRY E CALDWELL (PET)...CALDWELL, KENNEDY & PORTER, A.
DAVID ALLEN NEWBERRY (DEC)...

GENERAL INFORMATION:

Continued from 4/28/10 for statements and inventory to be reviewed.

THIS CASE IS SET FOR HEARING ON Petition for final distribution upon waiver of
account and for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters testamentary issued on 9/23/09, no bond.
2. Residual heirs waive accounting.
3. One beneficiary who is to receive \$10,000, Joseph Johnson, is a minor.
Question how minor is to receive distribution without GAL or guardian of estate.
**Supp(4/28/10): petitioner proposes to distribute funds under Pr.C.§3906
California uniform Transfer to Minors.**
4. Representative waives compensation.
5. Atty requests \$10,872.76 statutory fees. Calculated.
6. Atty requests \$3,025 extraordinary fees. Itemized, re sale of real property.
Calculated based upon 19.3 hrs, atty at \$300/hr and \$125/hr for paralegal. JTD.
7. Representative requests \$10,000 reserve for closing expenses. JTD.

RECOMMENDATION

RFA. if approved, set hearing re receipts and final discharge for **6/8/11**.
(abs/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0900625

CASE NAME: CHARLES DWIGHT SPEER, JR
HEARING:
Report Sale and Petition for Order Confirming Sale of Real Property.

COUNSEL:
EARL SPEER (PET)...JOHN F WEBER
CHARLES DWIGHT SPEER JR (DEC)...
JODIE FIELDS (TP)...WELSH & MCGILVRAY
ADVANCE INHERITANCE, LLC (JAMES L LEESTMA)...JAMES L L

Representative has full IAEA authority. Objection to Notice of Proposed Action re Sale had been made by guardian of minor heir Jennifer Shaffer (tabbed).

Address: 437 Highland Ave., Barstow, CA

Appraised Value: \$60,000 (reappraisal for sale 12/6/04)

Sale Price: \$60,000

First Overbid: \$63,500

Deposit: \$6,000.

Commission: 6%

Additional Bond: None (\$180,000 bond already in place).

Reason for Sale: Advantage of estate and best interest of interested persons.

Market Exposure: MLS, signage.

Notice: ok
(abs/kra)

FUTURE HEARINGS:
12/14/10 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0900627

CASE NAME: BETTY LEE TROST

HEARING:

WAIVER OF Account and Report of DEBBY S SELITRENNIKOFF and
Petition for allowance of fees filed.

COUNSEL:

DEBBY S SELITRENNIKOFF (PET)...JANET M HERRING
BETTY LEE TROST (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Waiver of Account and Petition for Final
Distribution

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. All heirs waive an accounting.
2. Petitioner waives statutory compensation.
3. Attorney requests statutory fees of \$4,672.68. Ok.
4. Attorney requests reimbursement of costs advanced of \$122.00 (the remaining unpaid balance after petitioner's deposit of costs of \$600). Itemized.
5. Need allegation as to whether Franchise Tax Board was noticed per Pr.C. §9202(c).

RECOMMENDATION:

RFA subject to note 5. If approved, set hearing on the filing of receipts and final discharge
for **6/8/11**.

(gls/kra)

FUTURE HEARINGS:

12/14/10 Accounting Review – (vacate if matter approved.)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 9:00 DEPT: S33P

CASE#: SPR SS06305

CASE NAME: ESTATE OF VICTOR P. CRUZ

HEARING:

FINAL Account and Report of MARIA CRUZ and Petition for allowance of fees filed.

COUNSEL:

MARIA CRUZ	(PET)...	A. MERLE SESSIONS
VICTOR P CRUZ	(DEC)...	
FRANCES MORENO	(PET)...	BETTY AUTON-BECK
LORAIN CRUZ ALVARDO	(OBJ)...	PRO/PER

GENERAL INFORMATION

Continued from 11/16/09.

Continued from 1/13/10. Court also granted petition for order confirming sale and denied without prejudice petition for removal of representative.

Continued from 3/3/10 and 4/28/10 at request of counsel. Court informed that property has sold.

THIS CASE IS SET FOR HEARING ON Petition for Final Account and for Final Distribution and Action to Recover Real Property

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner, Maria Cruz, alleges the sole asset of the estate is a residence which was the separate property of decedent. Decedent died intestate and was survived by petitioner, as the surviving spouse, and five adult children. The adult children are residing in the estate residence and propose to purchase the property. However, petitioner has a third party who is interesting in purchasing the real property, but the children will not vacate the residence. Petitioner requests that the children be charged with rent for the time they have refused to vacate the residence (i.e., \$750/month). However, the children have an ownership interest in the real property as well. Question if the proposed rental income is full rental value or a portion of the fair market rental value? **Supp: The parties stipulated that \$750/month was the fair market rental value and that this sum should**

be deducted from the heirs inheritance (a period of 43 months or 5/18/06 – 12/1/09, totaling \$32,250) JTD

2. Petitioner has advanced her own funds to pay obligations of the estate in the total sum of \$30,687.89 (of which \$14,960 is an advance to Attorney A. Merle Sessions). Petitioner requests reimbursement of such advanced funds, together with 9% interest. The petitioner had no obligation to personally advance funds for the estate's obligations. Additionally, the attorney's fees of \$14,960 have not yet been approved by the court. Question the authority to collect interest on advancing personal funds for estate obligations? File verified supplement.
3. On the escrow statement provided, both petitioner and counsel were paid "reimbursements." The sum of \$4,657.19 was paid to petitioner and \$1,527.00 paid to counsel. Need itemization of such reimbursements and whether petitioner's reimbursement should offset the personal funds advanced by her (note 2)? File verified supplement.
4. Petitioner and attorney each request statutory compensation of \$1,800. Ok.
5. Attorney requests extraordinary fees of \$14,960.00 for services rendered in connection with unlawful detainer action, removal of personal representative, and sale of real property. Billed at \$275/hour for 54.4 hours. Itemized.
6. There are no allegations regarding the following which require verified supplement:
 - (a) Notice to Dept. of Health Services and to Dept. of Corrections per Pr.C. §9202.
 - (b) Creditor's claims.
 - (c) Income taxes and fiduciary income taxes.
 - (d) Whether decedent's property was sole and separate.
6. Need to file notice of hearing and proof of service.

RECOMMENDATION

Need to clear notes. If approved, set hearing re receipts and final discharge for **5/4/11**.

(gls/smj/abs/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 9:00 DEPT: S33P

CASE#: VPR VS003101

CASE NAME: MATTER OF THE MC SPICER TRUST

HEARING:
Accounting Review

COUNSEL:
CHARLES KING (PET)...CALDWELL, KENNEDY & PORTER, A.
MILBRY ATISHA CLEYO SPICER (PET)...CALDWELL, KENNEDY & PORTER, A.
MILBRY CLEYO SPICER (DEC)...
RANDOLPH STEWARD (PET)...FRANK O TETLEY
MILBRY CLEYO SPICER TRUST (TRU)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Third accounting is due for the period 4/1/09 – 3/31/10. No accounting is filed. Need same.

RECOMMENDATION:

Find out status.

(gls)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District - Civil

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

CONSERVATORSHIP

DATE: 06/02/10 TIME: 10:30 DEPT: S33P

CASE#: CON DS1000109

CASE NAME: REBECCA H VAUGHN

HEARING:

Petition for Appointment of Conservator

COUNSEL:

GEORGE H VAUGHN

(CPE)...VARNER & BRANDT, LLP

REBECCA H VAUGHN

(CEP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Conservator, person and estate, filed by spouse

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner requests bond be waived as the majority of the assets of the estate are community property. Petitioner alleges that proposed conservatee is an heir in a probate proceeding for which petitioner does not have enough information. Petitioner will determine if bond should be posted once that information is available. Court may wish to require minimum bond to be fixed at this time. JTD
2. Petitioner requests medical and dementia powers. Medical Capacity Declaration is filed supporting requests.
3. As dementia powers are sought, court must appoint counsel for proposed conservatee and need report of counsel.
4. Petitioner requests 2590 powers. Specifically the power to sell real or personal property without confirmation of the court other than the personal residence. JTD
5. Citation returned served.
6. Court Investigator report filed 5/17/10.
7. Need to file proof of completion of conservatorship training program.

RECOMMENDATION:

Need court appointed counsel and to clear remaining notes.

(gls/kra)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 10:30 DEPT: S33P

CASE#: CON DS1000088

CASE NAME: MTR OF RAMONA HOGAN HAMPTON
HEARING:
Petition for Appointment of Conservator

COUNSEL:
ROBERT HAMPTON (PET)...HARTNELL, LISTER & MOORE
RAMONA HOGAN HAMPTON (CEP)...

GENERAL INFORMATION

Temporary orders granted on 04/15/10, person and estate no bond. Attorney Donna Sturgill Diaz appointed counsel.

Continued from 5/12/10 for parties to confer. Nothing new filed.

THIS CASE SET FOR HEARING ON Petition for Appointment of Conservator Person and Estate by Spouse.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is requesting no bond as there the Conservatee's property is community per Pr. C. § 3051(b)(2).
2. Petitioner is requesting medical and dementia powers. Capacity Declaration filed in support.
3. Petitioner is requesting dementia powers. Need report of counsel Donna Sturgill Diaz.
4. Need return of citation.
5. Need Certificate of Completion of the Conservatorship Training Class.
6. Need Court Investigator report.
7. Need notice of hearing and proof of service.

RECOMMENDATION

Need to clear notes. If approved, set hearing for filing of Inventory and Appraisal care plan and proof of recordation of letters, including proof of service of Inventory and Appraisal instructions for objection to Inventory and Appraisal, order appointing Conservator and care plan in accord with Pr.C. §§ 1830, 2313, 2352 and 2610 for **1/5/11**. Accounting Review for **8/10/11**. Any accounting to be filed 30 days prior to hearing.
(cbr/kra)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 10:30 DEPT: S33P

CASE#: CON DS1000111

CASE NAME: ALFRED GLEN GARDNER

HEARING:
Petition for Appointment of Conservator

COUNSEL:
GLENDA BAKER (PCR)...JANET M HERRING
ALFRED GLEN GARDNER (PCE)...

GENERAL INFORMATION
Temporary Letters issued 5/24/10, \$20,000 bond.

THIS CASE IS SET FOR HEARING ON Petition for conservatorship, person and estate,
by daughter

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner requests bond of \$20,000. Appears adequate.
2. Medical powers sought. Need Medical Capacity declaration.
3. Need Court Investigator report.
4. Petition indicates proposed conservatee is able to attend. Need attendance of proposed conservatee or basis for non-appearance.
5. Certificate of completion of conservatorship class submitted.
6. **Letter from conservatee placed on left side of file indicates a request to continue the 6/2/10 hearing till sometime in September 2010 for medical reasons.**

RECOMMENDATION:

Need to clear notes 2-3. If approved, set hearing for Compliance Review for **1/5/11** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C.§1830(c); Care Plan per Pr.C.§2352.5; Inventory & Appraisal, and proof of service of I&A and Instructions for Objection per Pr.C.§2610; recordation of letters if applicable per Pr.C.§2313.

Set hearing re Accounting Review for **8/10/11**. Any accounting to be filed 30 days in advance.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0800089

CASE NAME: MARCIA F HAMMOND

SEE ALSO 27

HEARING:

Petition for COURT APPOINTED ATTORNEYS FEES AND ETC ETC

COUNSEL:

BARRY HAMMOND (CPE)...CALDWELL, KENNEDY & PORTER, A.
MARCIA F HAMMOND (CEP)...SANDRA L TURNER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Court appointed Attorney's Fees filed by Attorney Sandra Turner

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Attorney requests fees of \$6,815.00. Billed at \$250/hour for attorney time and \$50/hour for paralegal time. Itemized.
2. No objections filed at the time of the review of this file.

RECOMMENDATION:

Court's discretion.

(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0800089

CASE NAME: MARCIA F HAMMOND

SEE ALSO 26

HEARING:

FIRST Account and Report of BARRY HAMMOND and Petition for allowance of fees

COUNSEL:

BARRY HAMMOND (CPE)...CALDWELL, KENNEDY & PORTER, A.
MARCIA F HAMMOND (CEP)...SANDRA L TURNER

GENERAL INFORMATION

Continued from 4/28/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON First account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatorship of person and estate was granted on 7/18/08.
2. Accounting period 7/18/08 to 12/31/09 (17½ months).
3. Assets on hand \$785.98.
4. Conservator waives compensation.
5. Conservator requests approval of prior payments of \$800/mo for rent and \$200/mo for food. Conservatee resides in conservator's home. Conservator also requests authority to take such payments in the future. JTD.
6. Atty requests \$3,527.10 fees. Itemized. Calculated based upon 24.5 hrs, atty at \$300/hr and paralegals at \$75-125/hr. JTD.
7. Conservator requests confirmation of \$2,536 payments made to atty William Ward for handling civil action to recover real property. JTD
8. Supplemental Inventory and Appraisal filed re real property valued at \$75,000. Does court wish to require petitioner to amend accounting or account for asset at next accounting? (Supplemental Inventory filed 4/14/10 – after the end JTD
9. Last bank statement for WF checking account does not cover date of end of account period. Need verified supplement.
10. It is not possible to reconcile withdrawals from bank accounts to purposes for which the cash was used. Apparently cash withdrawals were made then split

among uses. Schedules show repetitive \$1,000 withdrawals with indications that “part” were used for rent and “part” were used for food, etc. Does court wish to require reconciliation of all withdrawals? JTD

RECOMMENDATION

Need to clear notes. If approved, set next accounting review for **3/2/11** (if one year accounting) or **3/7/12** (if two year accounting).

(abs/cbr/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0900051

CASE NAME: REGINA PATTON BOULWARE

SEE ALSO COMPANION FILE CONPS0900052 ON PAGES 31-33 & 29 & 30

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of KAREN B. WARMACK

COUNSEL:

KAREN B. WARMACK	(PCR)...HARTNELL, LISTER & MOORE
DAVINA A. JACKSON	(PCR)...PRO/PER
ROSALIND C. PATTON	(PCR)...PRO/PER
REGINA BOULWARE	(PCE)...ROBERTA L. TAYLOR & ASSOCIATES

GENERAL INFORMATION

GENERAL INFORMATION

Continued from **10-07-09** Court appointed counsel to file re: status and concerns

Continued from **12/2/09** to file required documents.

Continued from 1/27/10 and 3/29/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON Inventory & Appraisal/Compliance Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Karen B. Warmack and Rosalind C. Patton appointed general Conservators for person and estate on 08-05-09, \$70,000 bond. (Bond filed.)
2. Care Plan is filed.
3. Final Inventory and Appraisal filed 3/24/10.
4. Court Investigator 6 month report is filed
5. Proof of recordation of Letters of Conservatorship is filed.
- 6 Report of court-appointed counsel filed.**

RECOMMENDATION:

Court's discretion.

(vet/kra/abs/kra/gls)

FUTURE HEARINGS: 9/13/10 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0900051

CASE NAME: REGINA PATTON BOULWARE

SEE ALSO COMPANION FILE CONPS0900052 ON PAGES 31-33 & 28 & 30

HEARING:

Petition for *EX PARTE* REMOVAL OF CO-CONSERVATORS & FOR
APPOINTMENT OF PUBLIC GUARDIAN/PVT FIDUCIARY

COUNSEL:

KAREN B. WARMACK (PCR)...HARTNELL, LISTER & MOORE
REGINA PATTON BOULWARE (PCE)...ROBERTA L TAYLOR
DAVINA A. JACKSON (PCR)...PRO/PER
ROSALIND C. PATTON (PCR)...PRO/PER

GENERAL INFORMATION

Continued from 3/24/10. Attorney Jack Osborn objects

THIS CASE IS SET FOR HEARING ON Ex Parte Petition for Removal of Co-conservators
and for Appointment of Public Guardian or Private Fiduciary

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Attorney Roberta Taylor, court-appointed counsel, alleges that the co-conservators cannot work together for the benefit of Regina Boulware, conservatee, and other family members have not come forward to express an interest in taking on this responsibility.
2. No written objections are filed at the time of the review of this file.

RECOMMENDATION:

Court's discretion.
(gls)

FUTURE HEARINGS:

9/13/10 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0900051

CASE NAME: REGINA PATTON BOULWARE

SEE ALSO COMPANION FILE CONPS0900052 ON PAGES 31-33 & 28 & 29

HEARING:

Petition for DECLARATION OF ROBERTA L. TAYLOR REGARDING ATTORNEY
FEES AND ALLOWABLE COSTS

COUNSEL:

KAREN B. WARMACK (PCR)...HARTNELL, LISTER & MOORE
REGINA PATTON BOULWARE (PCE)...ROBERTA L TAYLOR
DAVINA A. JACKSON (PCR)...PRO/PER
ROSALIND C. PATTON (PCR)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition and Declaration of Attorney Roberta
Taylor

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Attorney requests fees of \$19,290.00 (1/2 to be payable from Regina Boulware's estate and the other 1/2 to be payable from conservatee's husband's Samuel Boulware's estate), together with reimbursement of costs of \$12.00. Billed at \$240-\$280/hour for attorney time and \$80/hour for paralegal time. Itemized.

RECOMMENDATION:

Court's discretion.

(gls)

FUTURE HEARINGS:

9/13/10 Accounting Review

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0900052

CASE NAME: SAMUEL BOULWARE

SEE ALSO COMPANION FILE CONPS0900051 ON PAGES 28-30 & 32 & 33

HEARING:

Conservatorship Compliance Review Hearing on SUPPLEMENTAL
PETITION FOR CONSERVATORSHIP of DAVINA A. JACKSON

COUNSEL:

KAREN B. WARMACK	(PCR)...HARTNELL, LISTER & MOORE
SAMUEL BOULWARE	(PCE)...ROBERTA L TAYLOR
DAVINA A. JACKSON	(PCR)...PRO/PER
ROSALIND C. PATTON	(PCR)...PRO/PER

GENERAL INFORMATION

Continued from **10-07-09** Court appointed counsel to file re: status and concerns
Continued from **12/2/09**.

Continued from 1/27/10 and 3/24/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON Inventory & Appraisal/Compliance Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Karen B. Warmack and Rosalind C. Patton appointed general Conservators for person and estate on 08-05-09, \$70,000 bond.
2. General Care Plan is filed.
3. Need proof of service of a copy of the Order for Conservatorship with Notification of Conservatee's rights per Pr.C.§1830(c).
4. Final Inventory & Appraisal is filed.
5. Need Court Investigator 6 month report per Pr.C.§1850(a)(1).
6. **Report of court-appointed counsel filed.**
7. Need Notice of Hearing with proof of service by Jack Osborn as ordered on 10-07-09.

RECOMMENDATION:

Need to clear notes.

(/abs/kra/gls)

FUTURE HEARINGS: 9/13/10 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0900052

CASE NAME: SAMUEL BOULWARE

SEE ALSO COMPANION FILE CONPS0900051 ON PAGES 28-30 & 31 & 33

HEARING:

Petition for *EX PARTE* REMOVAL OF CO-CONSERVATORS & FOR
APPOINTMENT OF PUBLIC GUARDIAN/PVT FIDUCIARY

COUNSEL:

KAREN B. WARMACK	(PCR)...HARTNELL, LISTER & MOORE
SAMUEL BOULWARE	(PCE)...ROBERTA L TAYLOR
DAVINA A. JACKSON	(PCR)...PRO/PER
ROSALIND C. PATTON	(PCR)...PRO/PER

GENERAL INFORMATION

Continued from 3/24/10. Attorney Jack Osborn objects

THIS CASE IS SET FOR HEARING ON Ex Parte Petition for Removal of Co-conservators
and for Appointment of Public Guardian or Private Fiduciary

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Attorney Roberta Taylor, court-appointed counsel, alleges that the co-conservators cannot work together for the benefit of Samuel Boulware, conservatee, and other family members have not come forward to express an interest in taking on this responsibility.
2. No written objections are filed at the time of the review of this file.

RECOMMENDATION:

Court's discretion.
(gls)

FUTURE HEARINGS:

9/13/10 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0900052

CASE NAME: SAMUEL BOULWARE

SEE ALSO COMPANION FILE CONPS0900051 ON PAGES 28-30 & 31 & 32

HEARING:

Petition for AND DECLARATION OF ROBERTA L. TAYLOR REGARDING
ATTORNEYS FEES AND ALLOWABLE COSTS

COUNSEL:

KAREN B. WARMACK	(PCR)...HARTNELL, LISTER & MOORE
SAMUEL BOULWARE	(PCE)...ROBERTA L TAYLOR
DAVINA A. JACKSON	(PCR)...PRO/PER
ROSALIND C. PATTON	(PCR)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition and Declaration of Attorney Roberta Taylor

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Attorney requests fees of \$19,290.00 (1/2 to be payable from Samuel Boulware's estate and the other 1/2 to be payable from conservatee's wife's Regina Boulware's estate), together with reimbursement of costs of \$12.00. Billed at \$240-\$280/hour for attorney time and \$80/hour for paralegal time. Itemized.

RECOMMENDATION:

Court's discretion.

(gls)

FUTURE HEARINGS:

9/13/10 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0900253

CASE NAME: DANA LYNN SHARP

HEARING:

Hearing re: Petition for Authority to Consent to Medical Treatment.

COUNSEL:

ERIC JAMES ROARK (CPE)...JOYCE M HOLCOMB
CHRISTINA ROARK (CPE)...JOYCE M HOLCOMB
DANA LYNN SHARP (CEP)...BRYAN C HARTNELL
AMERICAN CONTRACTORS INDEMNITY(TP)...PRO/PER

GENERAL INFORMATION:

Continued from 5/13/10 as opposition is filed.

THIS CASE IS SET FOR HEARING ON Petition for Authority to Consent to Medical Treatment

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. At hearing on 1/28/10, the court specifically stated that conservatee will still have the powers to make her own medical decisions. That the co-conservators will have access and the ability to speak to the doctors re medical but decisions to be made by conservatee.
2. Petitioners request that the court's order be modified to include orders under Pr.C. §1880 after the determination has been made that the conservatee lacks the capacity to give informed consent concerning her treatment plan to the detriment to her health and welfare and the court grant conservators the powers specified in Pr.C. §2355 and that letters and orders be amended and reissued. Medical Capacity declaration is filed to support request.
3. Need report of counsel, Attorney Hartnell.
4. **Objection filed by Counsel for conservatee.**

RECOMMENDATION:

Need report of counsel and then court's discretion.

(gls/kra)

FUTURE HEARINGS:

9/02/10 Conservatorship Compliance Review

4/07/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 10:30 DEPT: S33P

CASE#: SC SS01826

CASE NAME: MTR RE BRANDON H THEURET

HEARING:
Accounting Review

COUNSEL:
MANUEL D REYES (CP)...GRESHAM SAVAGE NOLAN & TILDEN
DORIS J REYES (CP)...GRESHAM SAVAGE NOLAN & TILDEN
BRANDON J THEURET (CTP)...

GENERAL INFORMATION

Continued from 3/29/10 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting review for SNT

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. On 3/23/09 Court approved the 4th account of the SNT; 5th account now due
2. No accounting filed.

RECOMMENDATION:

Inquire status.
(kra/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 10:30 DEPT: S33P

CASE#: SC SS01969

CASE NAME: MTR OF ARTHUR E. FURTADO

HEARING:

FOURTH CURRENT Account and Report of DORMA MCCASLAND and
Petition for allowance of fees filed.

COUNSEL:

DORMA MCCASLAND (CPE)...KERRIE C JUSTICE
ARTHUR E. FURTADO (CEP)...SHERRI L KASTILAHN
BOND SERVICES OF CALIFORNIA LL(TP)...

GENERAL INFORMATION

Continued from **11/9/09** to clear notes.

Continued from **1/27/10**, at request of counsel. Amended Fourth Account Current and
Report of Conservator filed on 2/26/10.

Continued from 3/3/10 and 4/14/10. Parties confer on the record.

THIS CASE IS SET FOR HEARING ON

Amended Fourth Account Current and Report of Conservator; Petition for Settlement

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Accounting period covers 1/1/07 – 12/30/08. Assets on hand: \$368,229.18
(cash of \$272,629.18, balance real and personal property).
2. No request for fees by petitioner or attorney.
3. The following notes relate to the accounting:
 - a. **Summary of Account is out of balance by \$20,644.75.**
 - b. Assets on hand at beginning of account do not match assets on hand at
end of prior accounting (Third Account). **Beginning assets should be
\$399,129.33. (See Order Approving Third Account, dated 12/11/08.)
Need Amended Summary of Account showing correct beginning
balance.**
 - c. Disbursement schedules do not balance. **Total sum of disbursements
for 2008 as shown on schedules is incorrect: Total sum of monthly
disbursements for 2008 shown on schedules is \$21,011.95, not**

\$18,211.95. Therefore, the total amount of disbursements for account period is \$36,913.81. Amended summary of account is filed, but need amended disbursement schedule.

- d. Need original account statements (Pr.C., § 2620(c) (1) & (2)) showing account balances as of closing date-- including statement from Ameriprise Financial, for which no copy was received.**
 - e. Need original residential care facility statements for 2007 and 2008, per Pr.C. §2620(c) (5). (Conservator has submitted copies of receipts for 2008 and 2009.)**
4. During period of account, petitioner paid attorney Jeanne Kennedy the amount of \$2,350.00 for preparation of revocable trust and pour over will (Order approving preparation of documents entered 8/29/07). Question under what authority attorney fees were paid with no prior court authority. Need verified supplement. **Supp: On 1/13/10, atty. Jeanne Kennedy, co-counsel for conservator, filed a separate declaration re fees itemizing \$2,265.05 fees and \$84.95 costs. JTD.**

RECOMMENDATION

Need to clear notes. If approved, need to set next annual Accounting Review for **3/2/11** **or** a biennial Accounting Review for **3/7/12** per Pr.C. §2620(a)
(fhl/abs/cbr/smj/gls)

Civil:Ste100 Crim/Traf:Ste200
CIVPRO Victorville District
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 10:30 DEPT: S33P

CASE#: VC VS00251

CASE NAME: MTR OF LORENA SARAI BENITEZ

HEARING:

Hearing Re: Petition on Successor Conservatorship by PG

COUNSEL:

ANGEL L BENITEZ	(PET)...	BEATRICE L LAWSON
BERTHA A BENITEZ	(PET)...	BEATRICE L LAWSON
LORENA SARAI BENITEZ	(CEP)...	ROBERTA L TAYLOR
ROBERT BENITEZ JR	(OBJ)...	STANLEY W HODGE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition on Successor Conservatorship by Public Guardian

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. At hearing on 3/24/10, the court removes Angel Benitez and Bertha Benitez as co-conservators. The court appoints Public Guardian as successor temporary conservator without bond and sets this hearing date. Court also orders no contact with prior co-conservators and the conservatee. Attorney Taylor is ordered to investigate and court will defer visitation to court appointed counsel for conservatee.
2. No petition for appointment as permanent successor conservator is filed by Public Guardian.
3. **Report of Counsel filed 5/20/10.**
4. Need to file notice of hearing and proof of service.
5. Need Court Investigator's report (court may wish to refer as this is a successor appointment).

RECOMMENDATION:

Need subsequent pleadings and notice, including court-appointed counsel's report.
(gls/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 10:30 DEPT: S33P

CASE#: VC VS00445

CASE NAME: MATTER OF PEARL WRIGHT

SEE ALSO 38 & 39

HEARING:

Petition for ALLOWANCE OF MONTHLY ALLOWANCE, STATUS REPORT &
DECLARATORY RELIEF

COUNSEL:

BRENDA WRIGHT	(CPE)...	DAVID & TURNER
PEARL WRIGHT	(CEP)...	
RANDY WRIGHT	(PET)...	NAREN M HUNTER
DEBORAH WRIGHT THOMAS	(PRO/PER)...	PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Allowance of Monthly Allowance

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner is the conservator and has been the sole care taker of conservatee since 2002. Conservatee resides with petitioner. Conservatee's income is SSA and a pension totaling \$1,394.49/month. Conservator is unable to work and cares for conservatee 24 hours/day. Conservator's income is \$444/month unemployment. Conservator's house payment is \$925/month. Petitioner alleges conservatee currently has cash on account of approximately \$121,788 currently held in the attorney-client trust account.
2. Petitioner requests authority for Sandy Turner to pay the conservator \$2,606/month. This sum exceeds conservatee's income. The court may wish to allow \$1,394.49/month as conservator takes care of all the needs of conservatee.
3. Petitioner alleges that the court previously authorized conservator to expend \$55,000 for a room addition on or about 6/18/08. The improvements have never been completed and conservator asks authority to use the remaining

funds in conservatee's estate to go forward with the prior orders. Is petitioner requesting the \$55,000 or an increased amount? File verified supplement for clarification.

4. Per Minute Order dated 6/18/08, requiring two appraisals of the real property to be completed; one before the room addition and the other after the addition. The equity/value increase from the addition shall be applied to the portion of the conservator's inheritance from the conservatee's estate to be reimbursed to the estate. Question whether the first appraisal has been completed as required? File verified supplement.
5. Court may wish to appoint counsel for conservatee per Pr.C. §1470.

RECOMMENDATION:

Need verified supplement. Court may wish to appoint counsel for conservatee.
(gls)

FUTURE HEARINGS:

8/03/11 Motion Re: MOTION TO BE RELIEVED AS COUNSEL

8/03/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 10:30 DEPT: S33P

CASE#: VC VS00445

CASE NAME: MATTER OF PEARL WRIGHT

SEE ALSO 37 & 39

HEARING:

RANDY WRIGHT Account and Report of RANDY WRIGHT and Petition for allowance of fees filed.

COUNSEL:

BRENDA WRIGHT	(CPE)...	DAVID & TURNER
PEARL WRIGHT	(CEP)...	
RANDY WRIGHT	(PET)...	NAREN M HUNTER
DEBORAH WRIGHT THOMAS	(PRO/PER)...	PRO/PER

GENERAL INFORMATION:

Continued from **6/20/07** and **8/22/07** at request of counsel. On 6/20/07, the Court sets aside 12/13/06 order approving Randy Wright's accounting.

Continued from **11/7/07**. No appearance.

Continued from **1/16/08, 3/26/08** and on **4/9/08** Atty Hunter ordered to file an accounting on behalf of Randy Wright.

Continued from **6/18/08, 8/20/08, 10/1/08** at request of counsel.

Continued from **11/12/08** no appearance. Citations issued on Naren Hunter and Randy Wright. Both services of citations were unsuccessful.

Continued from **2/18/09** Atty Hunter was ordered to appear in person or by court call.

Continued from **4/8/09, 06/10/09, 8/19/09**. Accounting to be filed by 08/05/09. No appearance on 8/19/09. Citation issued to Randy Wright and Attorney Naren Hunter.

Continued from **10/07/09** Court orders Attorney Naren Hunter to be present.

Continued from **12/02/09** Court orders Naren Hunter to be present. Notice given.

Continued from 1/19/10. No appearance. Clerk mailed notice.

THIS CASE IS SET FOR HEARING ON petition for approval of accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Randy Wright served a Conservator of the person of the Conservatee for a limited amount of time. As conservator of the person no accounting would be required, however, as petitioner used his power of attorney to access conservatee's funds, and petitioner has provided an accounting, court ordered an accounting filed.
2. Accounting is not really an accounting. It simply shows the real property, a Credit Union Account with unknown balance and cash on hand at the end of 6-03 of \$6,500. No bank statements accompany this statement. **Supp: Various bank statements filed. Does not cure defects.**
3. Mr. Wright indicates that he, at the request of the Conservatee, removed the Conservatee from her home in Compton. There were siblings of Mr. Wright living there at the time, as well as the Conservatee. Mr. Wright placed one of the siblings (Ms. Dotson) in a care facility. Ms. Dotson had an income of \$235 per month and the monthly cost of care was \$830. Conservatee subsidized Ms. Dotson's care costs for several months.
4. From 6-02 to 8-02 Conservatee resided with her daughter Deborah Thomas. Conservatee was receiving \$1,200 per month retirement.
5. Conservatee requested that Mr. Wright fix up the home in Compton so she could return. From 6-02 through 6-03 Mr. Wright alleges that he spent \$1,800 on delinquent property taxes, \$2,000 in cleaning and repairs and made arrangements to pay off \$17,000 in property damages claims against Conservatee.
6. In 8-02 Mr. Wright moved Conservatee in with him and his family. He was receiving \$1,244 in monthly income. Conservatee asked Mr. Wright to handle her finances. She signed her real property over to him, as she couldn't keep it up. Conservatee would go to Vegas 1-2 times per month with her daughter Deborah at the expense of the Conservatee. The trips costs \$400-500 per trip. From 8-02 through 6-03 Mr. Wright paid all of Conservatee's expenses. In 4-03 Deborah got her own apartment and Conservatee directed Mr. Wright to pay the rent of \$895 per month.
7. At the end of April 2003 the Conservatee was placed in a psychiatric facility. Thereafter she was placed in the same facility as Ms. Dotson. She was later placed in a more restrictive facility. In 6-03 it is alleged that Brenda Wright removed Conservatee from the facility. The name on the Conservatee's bank accounts was changed and Mr. Wright's power of attorney was revoked.
8. Petitioner alleges that there never has been an accounting by Brenda Wright of the Credit Account. Petitioner alleges that the auto alleged to have been purchased to accommodate handicap needs at a cost of \$47,000 was in fact a Dodge Charger SRT, "a specialty performance race care (sic)."
9. Need 2nd accounting ordered by court on 4/8/08. **Accounting filed. Petitioner alleges he received \$4,871.04 during period 5/28/03 – 9/28/03. Payments for mortgage and real property taxes totaling \$1,533.99 were made, and the balance of \$3,337.05 was given to conservatee for her personal use.**
Prior accounting filed 9/7/06 shows amount on hand was \$6,500. Question whether any funds were given to successor conservator. Need verified supplement.
10. **Need notice of hearing.**
11. **Review of file indicates following matters remain outstanding:**

- a. **Per 6/20/07 Minute Order – Court approved first accounting by Brenda Wright. Sandra Turner to prepare order and submit to the Court for signature.**
- b. **Per 4/9/08 Minute Order approving withdrawal of \$55,000 to add bedroom and bathroom, Court ordered two Inventories filed – one before and one after the addition.**
- c. **Per 6/18/08 Minute Order – a correction was made to the Minute Order dated 4/9/08. Two appraisals to be completed before and after the room addition. The equity/value increase from the addition shall be applied to the portion of the conservator's inheritance from the conservatee's estate to be reimbursed to the estate.**

Need Order approving first accounting by Brenda Wright.

Need Inventories establishing value of real property before room additions and after room additions.

RECOMMENDATION:

Need to clear notes. When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

(gls/abs/gls/cbr/abs/vet/gls/vet/vet/abs/fhl/gls)

FUTURE HEARINGS:

8/03/11 Motion Re: MOTION TO BE RELIEVED AS COUNSEL

8/03/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 10:30 DEPT: S33P

CASE#: VC VS00445

CASE NAME: MATTER OF PEARL WRIGHT

SEE ALSO 37 & 38

HEARING:

Petition for ALLOWANCE OF ATTORNEY'S FEES AND RETIFICATION OF PRIOR
PAYMENTS

COUNSEL:

BRENDA WRIGHT	(CPE)...DAVID & TURNER
PEARL WRIGHT	(CEP)...
RANDY WRIGHT	(PET)...NAREN M HUNTER
DEBORAH WRIGHT THOMAS	(PRO/PER)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for attorney fees and ratification of prior
payments

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Attorney Turner represents successor conservator, Brenda Wright.
2. Attorney requests fees of \$3,250.00 billed at \$300/hour for attorney and \$150/hour for paralegal. The following issues are raised and need verified supplement:
 - a. Itemization indicates that all hours are billed at \$200/hour and not varying for attorney and paralegal work;
 - b. Itemization does not indicate what work was performed by the paralegal;
 - c. Need paralegal qualifications.
Court to determine reasonableness of fees.
3. Petitioner alleges that fees were approved on prior accountings and requests the Court ratify these payments. Itemization of billing indicates a total of \$16,510.00 has been paid since 2004. However, petitioner does not state when these were approved nor the amounts that were approved and paid and upon review of the file, it does not appear that fees were ever requested or granted. Need verified supplement.

RECOMMENDATION:

Need to clear notes.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 1:30 DEPT: S33P

CASE#: PRO PS0900607

CASE NAME: ETHEL J GROSS

SEE ALSO 41 & 42 & 43 & 44

HEARING:

Petition for CONTEST OF WILL & OPPOSITION TO PROBATE OF PURPORTED WILL

COUNSEL:

CHRISTOPHER R O'LEARY S (PET)...RICHARD A HIGBIE
ETHEL J GROSS (DEC)...
MARY LEMOS (PET)...JERRY LA CUES
ETHEL . GROSS TRUST (TRU)...
SHARON L. VOLLA (PET)...RICHARD A HIGBIE

GENERAL INFORMATION

Continued from **12/9/09**, at request of counsel.

Continued from 5/7/10 as Court was unavailable.

THIS CASE IS SET FOR HEARING ON Will Contest, by Christopher OLeary

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner is appointed Special Administrator and is nominated by decedent's daughter and heir-at-law, Sharon Volla.
2. Petitioner alleges that the purported pour-over will and trust leaves decedent's entire estate to the Mary Lemos.
3. Petitioner alleges that Ms. Lemos and persons of her family had a fiduciary duty to the decedent as she and persons of her family held general power of attorney and health care powers of attorney over the decedent.
4. Petitioner alleges that Ms. Lemos and persons of her family abused their fiduciary duty by causing the Trust and pour-over will to be prepared at the time Ms. Lemos was a dependant adult care provider for the decedent.
5. Petitioner alleges that this will contest does not trigger the No Contest clause as the purported will applies the no contest provision to "beneficiaries under this

will in any manner.” Thus, the no contest clause would apply to the Lemos family.

6. Petitioner requests that the court find the purported will invalid.
7. Petitioner also requests for attorney fees and costs of \$7,250.00 for the preparation and appearance of counsel on the instant matter per Pr.C., § 859.
8. Need summons and proof of service per Pr. C., § 8250. **Summons filed. However, there is no proof of service of summons. Need proof of summons on all persons required by Pr.C. § 8110.**

RECOMMENDATION:

Need proof of service, then set for evidentiary hearing.

(kra/smj/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 1:30 DEPT: S33P

CASE#: PRO PS0900607

CASE NAME: ETHEL J GROSS

SEE ALSO 40 & 42 & 43 & 44

HEARING:
Mandatory Settlement Conference

COUNSEL:
CHRISTOPHER R O'LEARY S (PET)...RICHARD A HIGBIE
ETHEL J GROSS (DEC)...
MARY LEMOS (PET)...JERRY LA CUES
ETHEL . GROSS TRUST (TRU)...
SHARON L. VOLLA (PET)...RICHARD A HIGBIE

No calendar notes as this is on for Mandatory Settlement Conference.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 1:30 DEPT: S33P

CASE#: PRO PS0900607

CASE NAME: ETHEL J GROSS

SEE ALSO 40 & 41 & 43 & 44

HEARING:

Hearing re: Petition for Letters of Testamentary With Full Authority Under IAEA

COUNSEL:

CHRISTOPHER R O'LEARY S (PET)...RICHARD A HIGBIE
ETHEL J GROSS (DEC)...
MARY LEMOS (PET)...JERRY LA CUES
ETHEL . GROSS TRUST (TRU)...
SHARON L. VOLLA (PET)...RICHARD A HIGBIE

GENERAL INFORMATION:

Letters of special administration issued 8/27/09 to Christopher O'leary.

Continued from **11/10/09** to be heard with will Contest.

Continued from **12/9/09**, at request of counsel.

Continued from 5/7/10 as Court was unavailable.

Petitioner 1

THIS CASE IS SET FOR HEARING ON: Hearing re: Petition for Letters of Admin. W/ Full Authority under Independent Administration of Estates Act.

Petitioner 2

THIS CASE SET FOR HEARING ON: Petition for Probate, Letters Testamentary with Full Authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

Petitioner 1 – O'Leary (nominee by alternate executor)

1. Petitioner is nominee of person entitled to letters.
2. Person who nominated petitioner has waived bond. Petitioner alleges there is an heir of a predeceased spouse. Need waiver of bond by heir of

predeceased spouse if that person is to take. Alternatively suggest bond in amount of \$85,000. JTD.

3. **Objections filed by competing petitioner Mary Lemos. Answer to Objections and Requests for Judicial Notice filed by O'Leary.**

Petitioner 2 – Lemos (Named Executor)

1. Will waives bond.
2. Will is not self proving as there is no indication by the witnesses that the will was not procured by duress or fraud. Need proof of subscribing witness. **Supp: Filed. However, it was not signed by counsel at the bottom of page 1 as required. Need correction.**
3. **Objections to probate petition and a separate will contest has been filed by O'Leary. Will contest was set for hearing on 12/9/09, and continued to 1/13/10.**

RECOMMENDATION:

Trail to meet 1/13/10 hearing on will contest, then need to clear notes. It appears that petitioner 2 has priority over petitioner 1, per Pr. C., § 8461. If approved, set Accounting/Status Review for 03/23/11. Any accounting to be filed 30 days in advance. Note requirements of local rule 20-908.

(fhl/kra/cbr/abs/kra/smj/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 1:30 DEPT: S33P

CASE#: PRO PS0900607

CASE NAME: ETHEL J GROSS

SEE ALSO 40 & 41 & 42 & 44

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

CHRISTOPHER R O'LEARY S (PET)...RICHARD A HIGBIE
ETHEL J GROSS (DEC)...
MARY LEMOS (PET)...JERRY LA CUES
ETHEL . GROSS TRUST (TRU)...
SHARON L. VOLLA (PET)...RICHARD A HIGBIE

See notes on prior page (matter #42).

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/02/10 TIME: 1:30 DEPT: S33P

CASE#: PRO PS0900607

CASE NAME: ETHEL J GROSS

SEE ALSO 40 & 41 & 42 & 43

HEARING:

Petition for ORDER DECLARING TRUST REVOKED, OR IN THE ALTERNATIVE,
DECLARING IT INVALID

COUNSEL:

CHRISTOPHER R O'LEARY S (PET)...RICHARD A HIGBIE
ETHEL J GROSS (DEC)...
MARY LEMOS (PET)...JERRY LA CUES
ETHEL . GROSS TRUST (TRU)...
SHARON L. VOLLA (PET)...RICHARD A HIGBIE

GENERAL INFORMATION

Continued from **10/05/09** and **11/10/09** to be heard with competing petitions.

Continued from **12/9/09**, at request of counsel.

Continued from 5/7/10 as Court was unavailable.

THIS CASE IS SET FOR HEARING ON Petition for Order Declaring Trust Revoked, Or in the Alternative, Declaring it Invalid.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is special administrator of probate estate (see above matter).
2. Petitioner alleges that caretakers abducted decedent and falsely imprisoned her in a rest home and threatened to keep her until she signed everything she owned over to them and when decedent acquiesced to transfer her property, caretakers brought her back home and hired attorney Michael Worth Brown to prepare a trust naming caretakers as trustees and beneficiaries wherein decedent transferred assets valued at \$350,000 to the trust. Petitioner alleges that caretakers have told their neighbors that the \$350,000 in trust assets is currently held in attorney Michael Brown's attorney trust account.

3. Petitioner states that once trust had been signed caretakers placed her in another rest home facility and moved her to 6 different facilities in a 60 day period. Petitioner states that when daughter of decedent attempted to contact her mother, caretakers intercepted her calls and told her that decedent was unavailable. When decedent's daughter traveled to California from Wisconsin she learned what had occurred. Petitioner states that decedent directed that a revocation be prepared so that decedent could get property back from caretakers. Daughter of decedent wrote the language that decedent directed, which decedent signed before three witnesses. The revocation is attached to petition (blue tab).
4. Petitioner states that caretakers claim that decedent gifted to them a checking account containing \$83,000, cash in the amount of \$15,000 which was in her residence, jewelry valued at \$60,000, a mobile home valued at \$80,000, and an automobile valued at \$15,000.
5. Petitioner states that caretakers used assets transferred to the trust of decedent to remodel their mobile home, purchase property out of state, purchase luxury goods, and pay their living expenses.
6. Petitioner states that he has filed or will file suit in civil court to obtain remedies against caretakers and against attorney. Need verified supplement clarifying petitioner's contention to proceed in civil court or this court. Suggest court inquire re venue.
7. Petitioner requests that court order trust revoked and impose a resultant trust on all property decedent transferred to the trust and a constructive trust on all property that trust assets may be traced to. Alternatively, petitioner requests order that declares the trust invalid, imposing a resultant trust on all property decedent transferred to the trust and a constructive trust on all property that trust assets may be traced to.
8. Petitioner requests an order imposing an equitable lien on any property that the caretakers or attorney Brown own upon which decedent's trust assets were spent.
9. Petitioner requests an order that caretakers and attorney Brown account for all the trust's assets including any and all transfers of payments to or from any of the trust's assets.
10. Petitioner alleges that decedent died 08/14/09.
11. Proof of Summons filed. No objections at time of review.
12. **Verified supplements filed by petitioner adding allegations.**

RECOMMENDATION

Trail to meet 1/13/10 hearing on will contest.

Need to clear notes, then set for evidentiary hearing.

(fhl/cbr/abs/smj/kra)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN **PROBATE**

DATE: 06/02/10 TIME: 9:00 DEPT: S34P

CASE#: PRO DS1000282

CASE NAME: PAMELA JEAN PREWITT

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

WENDY MCCARTER (PET)...CAROLYN J. SCHAUF
PAMELA JEAN PREWITT (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA filed by daughter

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Both residual heirs have waived bond.

RECOMMENDATION:

RFA, no bond. If approved, set hearing on accounting/status review for **8/10/11**.
(gls/kra)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/02/10 TIME: 9:00 DEPT: S34P

CASE#: PRO DS1000312

CASE NAME: THOMAS G. JUSHINSKI

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

DANIEL RIPLEY (PET)...CALDWELL, KENNEDY & PORTER, A.
THOMAS G. JUSHINSKI (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA by nephew

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner requests bond be fixed at \$20,000. As full authority is requested, court may wish to fix bond at \$141,000. JTD

RECOMMENDATION:

RFA, no bond. If approved, set hearing on accounting/status review for **8/10/11**.

Accounting to be filed 30 days in advance.

(gls/kra)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/02/10 TIME: 9:00 DEPT: S34P

CASE#: PRO DS1000322

CASE NAME: HAROLD KENDALL LIVING TRUST

HEARING:

Petition for FOR AN ORDER DETERMINING TITLE TO REAL PROPERTY

COUNSEL:

LYNN CASWELL (PET)...MOSES S HALL
THE HAROLD KENDALL REAL PROPER(TRU)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for an Order Determining Title to Real Property (Pr.C. §17200; 850)

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Need to file notice of hearing and proof of service per Pr.C. §851
2. Petitioner, Lynn Caswell, is the successor trustee of the Harold Kendall Irrevocable Living Trust dated 11/30/08. Petitioner alleges that the original trustor died 9/12/09 owning real property at 7755 7th Avenue, Hesperia, CA. That all of trustor's real property was transferred to the name of the trust except the property on 7th Avenue. Petitioner further alleges that Schedule A of the Trust specifically listed the 7th Avenue property as trust property. Petitioner requests that the court deem the 7th Avenue property as trust property pursuant to Estate of Estate of Heggstad (1993) 16 Cal. App. 4th 943

RECOMMENDATION:

Need notice and then Court's discretion.
(gls)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/02/10 TIME: 9:00 DEPT: S34P

CASE#: PRO DS1000324

CASE NAME: ANNE SYBIL WALLER

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

W A HLAVATY (PET)...C.L. FARRELL
ANNE SYBIL WALLER (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA filed by W.A. Hlavaty, PPF

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner was nominated by the sole heir.
2. Petitioner requests bond be fixed at \$105,000. Appears adequate. JTD

RECOMMENDATION:

RFA, \$105,000 bond. If approved, set hearing on accounting/status review for **8/10/11**.
(gls/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/02/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0600078

CASE NAME: MTR OF JOSHUA HERBERT BONNER JR

HEARING:
Accounting Review

COUNSEL:

ELAINE BONNER-TOMPKINS (PET)...PAMELA LEGGETT COOKE
JOSHUA HERBERT BONNER JR (DEC)...
HELEN ESTHER BONNER (PET)...DAVID & TURNER
ELAINE BONNER-TOMPKINS (PET)...DAVID & TURNER
STATE OF CALIFORNIA FRANCHISE (PRO/PER)...PRO/PER

GENERAL INFORMATION

Continued from 2/24/10. Attorney Turner reports that the property sole; that the 2006 tax bill is being paid; that final accounting should be done in 60 days.

THIS CASE IS SET FOR HEARING ON Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. At 10/14/09 hearing on probate status report, counsel reported that second house should close in 30-45 days. Counsel to file final accounting and petition for distribution by 1/24/10.
2. Need final accounting / petition for final distribution.

RECOMMENDATION

Find out status.

Abs/gls

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/02/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0600270

CASE NAME: MTR OF ALICE ANN CANTRELL

SEE ALSO 6A & 6B

HEARING:
Petition for SUCCESSOR PROBATE OF WILL AND FOR LETTERS OF
ADMINISTRATION WITH WILL ANNEXED

COUNSEL:

JAMES DAVID BEEBE	(PET)...PRO/PER
ALICE ANN CANTRELL	(DEC)...
SHERRI L KASTILAHN	(PET)...SHERRI L KASTILAHN

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Letters of Successor Administration with Will Annexed with full authority under IAEA, by Sherri Kastilahn

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner alleges the current executor, James Beebe, has failed to fulfill his duties and a successor is needed to complete the administration. (See notes on following pages.)
2. Need notice of hearing and proof of service.
3. Petitioner requests bond of \$30,000. Estimated estate value is \$283,000. Need reason the amount of bond requested is different from the maximum required. Need verified supplement.

RECOMMENDATION:

Need notice. If approved, set future hearing for Accounting/Status Review on **8/10/11**. Any accounting to be filed 30 days in advance. Note Local Rule requirements.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/02/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0600270

CASE NAME: MTR OF ALICE ANN CANTRELL

SEE ALSO 6 & 6B

HEARING:
Hearing Re: OSC RE: SURCHARGE

COUNSEL:
JAMES DAVID BEEBE (PET)...PRO/PER
ALICE ANN CANTRELL (DEC)...
SHERRI L KASTILAHN (PET)...SHERRI L KASTILAHN

GENERAL INFORMATION:
Continued from 5/18/10 to be heard with petition for successor.

THIS CASE IS SET FOR HEARING ON OSC re: Surcharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter set at OSC re: Failure to Appear/Failure to file accounting and/or status report hearing held 04-13-10.
2. Oral report given by counsel who reports there was one property which was foreclosed at \$200,000. The loan balance was \$192,307 and there were no excess proceeds left after costs of sale. Court notes James Beebe's powers were previously suspended. Court directs counsel to notice all heirs and bond company re suspension and OSC hearing date. Nothing new filed
3. Need Notice of Hearing with proof of service by Court on 04-13-10 (see prior matter).

RECOMMENDATION:
Require notice, then Court's discretion.
(vet/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/02/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0600270

CASE NAME: MTR OF ALICE ANN CANTRELL

SEE ALSO 6 & 6A

HEARING:

6/02/10 Hearing Re: OSC RE: FTA/FAILURE TO FILE ACCOUNTING/STATUS RPT

COUNSEL:

JAMES DAVID BEEBE	(PET)...PRO/PER
ALICE ANN CANTRELL	(DEC)...
SHERRI L KASTILAHN	(PET)...SHERRI L KASTILAHN

GENERAL INFORMATION

On 11/24/09 court set OSC hearing as there was no appearance or accounting filed.

Citation served on James David Beebe.

Continued from **02-01-10**. Due to non-appearances and an unsuccessful attempt to cite administrator into court, the Court refers matter to the PA and continues hearing. Clerk's office to notice the PA.

Continued from **03/09/10**. Mr. Beebe's powers suspended. Matter referred to Public Administrator for possible appointment.

Continued from **04-13-10**. Oral report given by counsel who reports there was one property which was foreclosed at \$200,000. The loan balance was \$192,307 and there were no excess proceeds left after costs of sale. Court notes James Beebe's powers were previously suspended. Court sets OSC re: Surcharge and directs counsel to notice all heirs and bond company re suspension and OSC hearing date. Nothing new filed.

Continued from 5/18/10 to be heard with petition for successor.

THIS CASE SET FOR HEARING ON Accounting Review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. First account current approved on 11/18/08.
2. Prior counsel relieved for lack of communication with client on 04/21/09. Petitioner is now self-represented.

3. Order for first account current was not submitted. Counsel has since been relieved. Need order from personal representative.
4. Need accounting or status report.
5. Need return of citation. Return filing 12/29/09 indicates inability to make service.
6. **Need notice to all heirs and bond company as directed by court on 04-13-10.**
7. Note: Petition for successor administrator filed by Sherri Kastilahn. Hearing is set for 6/2/10.

RECOMMENDATION

Need to clear notes.

(cbr/abs/vet/cbr/vet/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/02/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0800462

CASE NAME: WILLIAM M ROOF JR

VACATED- STATUS REPORT FILED AND IS SET ON 06/23/10.

HEARING:
Hearing Re: STATUS REPORT

COUNSEL:
KATHLEEN BELL (PET)...E. JOAN NELMS
WILLIAM M ROOF JR (DEC)...
VICTIM COMPENSATION AND GOVERN(TP)...PRO/PER

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/02/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0800758

CASE NAME: JOHN PHILIP SCHEDIWY

HEARING:
Accounting Review

COUNSEL:
AMANDA GEYER (PET)...DAVID W BROWN
JOHN PHILIP SCHEDIWY (DEC)...

GENERAL INFORMATION

Continued from 3/10/10

THIS CASE IS SET FOR HEARING ON Accounting Review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Administration issued on 02/02/09, full authority, \$20,000 bond.
2. Final I & A filed on 07/08/09.
3. No accounting or probate status report is filed.

RECOMMENDATION

When the personal representative does not file an accounting or report as required, the court shall take action as specified in Pr.C. § 11050 et seq.

(smj/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/02/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0800982

CASE NAME: GARY CHARLES FELLERS

HEARING:

WAIVER Account and Report of JACQUELYN BAILEY and Petition for allowance of fees filed.

COUNSEL:

JACQUELYN BAILEY (PET)...JEANNE E KENNEDY

GARY C FELLERS (DEC)...

TOYOTA MOTOR CREDIT CORP (TP)...WELTMAN, WEI NBERG & REIS

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for final distribution upon waiver of account and for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued on 2/23/09.
2. Both heirs waive accounting.
3. Petitioner and atty each request \$2,715.29 statutory fees. Calculated. Petitioner proposes atty statutory fee split of \$814.87 to prior counsel (Ripley & Assoc.) and \$1,900.42 to current counsel. Consent to this split filed.
4. Need notice of hearing with proof of service for Raymond Moats, counsel for claimant who has requested special notice (does not appear to have been withdrawn). **Supp: The request for special notice was for the claimant, Toyota. A receipt of satisfaction of claim filed 9/30/09. However, as the request for special notice has not been withdrawn, need proof of service.**

RECOMMENDATION

RFA subject to note 4. If approved, set hearing re receipts and final discharge for **6/10/11**.
(abs/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/02/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0900274

CASE NAME: HENRY T HORST REVOCABLE LIVING TRUST

HEARING:
Accounting Review

COUNSEL:
HENRY T HORST REVOCABLE LIVING(TRU)...
JEANNE E KENNEDY (STE)...CALDWELL, KENNEDY & PORTER, A.

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Last report of successor trustee approved 5/27/09.
2. No accounting filed.

RECOMMENDATION:
Inquire status.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/02/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0900324

CASE NAME: GERALD W. BRUCE

HEARING:
REPORT ON STATUS FINAL Account and Report of MARGARET WILLIAMS
and Petition for allowance of fees filed.

COUNSEL:
MARGARET WILLIAMS (PET)...FRANK CARDINALE
GERALD W. BRUCE (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON First and final account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued on 6/24/09.
2. Petitioner and atty each request \$13,580 statutory fees. Calculated. However, fee base does not include reductions for losses on sale. Need verified supplement recalculating.
3. Need notice of hearing with proof of service for Franchise tax Board per Pr.C. 9020(c).

RECOMMENDATION

RFA subject to note 3. If approved, set hearing re receipts and final discharge for **6/8/11**.
(abs/kra)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE CYNTHIA LUDVIGSEN **CONSERVATORSHIP**

DATE: 06/02/10 TIME: 10:30 DEPT: S34P

CASE#: CON DS1000110

CASE NAME: AMY LEE LOWE
HEARING:
Petition for Appointment of Conservator

COUNSEL:
WILLIAM JOHN LOWE (CP)...ANYIAM LAW FIRM INC
AMY LEE LOWE (CTP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for appointment of Limited conservatorship, person only, by father

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. No bond – person only.
2. Medical powers sought. Need a Medical Capacity declaration.
3. Petitioner requests powers under Pr.C. §§2351.5 and orders limiting the civil and legal rights of the proposed limited conservatee as to access to confidential records, fix residence, consent to marriage, right to contract, withhold consent to medical treatment, to social and sexual contacts and decisions re education.
4. Court must appoint counsel for proposed conservatee (limited conservatorship) per Pr.C. §1471.
5. Proposed conservatee is developmentally disabled. Need IRC report (limited conservatorship, Pr.C. §1827.5).
6. Petition indicates proposed conservatee is able to attend. Need attendance of proposed conservatee or basis for non-appearance.
7. Need Court Investigator report.
8. Certificate of completion of conservatorship training class filed.

RECOMMENDATION:

Need to clear note 5 & 7. If approved, set hearing for Compliance Review for **1/24/11** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C. §1830(c); and Care Plan if applicable per Pr.C. §2352.5.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/02/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0600002

CASE NAME: MTR OF PATRICIA JOY LEE BROWN

HEARING:
SECOND Account and Report of CYNTHIA S REUTER and Petition for fees

COUNSEL:
CYNTHIA S REUTER (CPE)...JANET M HERRING
PATRICIA JOY LEE BROWN (CEP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Second account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatorship of person and estate was established in 2006.
2. Accounting period 1/19/08 to 12/31/09 (23 ½ months).
3. Assets on hand \$65,776.15 (\$65,382.89 cash).
4. Petitioner states that \$40,000 bond should be increased by \$20,000 to \$60,000. Assets on hand \$65,776.15 plus \$34,163 historic annual income, minus \$2,222.50 collective fee requests in this accounting, plus 10% cost of recovery, would seem to indicate \$108,000 total bond. Need verified supplement addressing.
5. Petitioner requests \$1,185 compensation. Itemized. Calculated based upon \$25/hr for normal services and \$40/r for financial services. JTD.
6. Atty requests \$1,037.50 fees. Itemized. Calculated based upon untotaled hours at \$150/hr. JTD.

RECOMMENDATION

RFA subject to court's determination re fees and bond. If approved, set next accounting review for **3/2/11** (if one year accounting) or **3/7/12** (if two year accounting). Accounting to be filed at least 30 days prior.
(abs/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/02/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0700244

CASE NAME: CURTIS FERRELL

HEARING:

Conservatorship Compliance Review Hearing on SUPPLEMENTAL
PETITION FOR CONSERVATORSHIP of TERESA D FERRELL

COUNSEL:

DIANE D HARKISON	(CE)...M DANIEL SAYLOR
CURTIS FERRELL	(CTE)...DONNA LEE STURGILL DIAZ
TERESA D FERRELL	(CP)...PRO/PER
DONNA LEE STRUGILL DIAZ	(PET)...PRO/PER

GENERAL INFORMATION:

Continued from 3/30/10 No appearance. Clerk mailed notice.

THIS CASE IS SET FOR HEARING ON Compliance Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Teresa D. Ferrell appointed Conservator, person only on 08-08-09, no bond.
2. Need proof of service of a copy of the Order for Conservatorship with Notification of Conservatee's rights per Pr.C.§1830(c).
3. Need Statement of Care Plan in accord with Pr.C.§2352.5.
4. Court Investigator report filed 3/24/10.

RECOMMENDATION:

Inquire status. When documents are not filed as ordered, court may set a hearing in accord with Pr.C.§2655.

(vet/kra)

FUTURE HEARINGS:

6/02/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/02/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0800188

CASE NAME: PETER HAINS LAIMBEER

HEARING:

FIRST Account and Report of DEBORAH LAIMBEER and Petition for fees

COUNSEL:

DEBORAH LAIMBEER (CPE)...JANET M HERRING
PETER HAINS LAIMBEER (CEP)...DONNA STURGILL DIAZ

GENERAL INFORMATION:

Continued from 4/28/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON 1st account current and report of conservator, and petition for fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

1. Accounting period covers 9/17/08 to 11/25/09.
2. Assets on hand \$154,026.55, of which \$26.55 is cash. Remaining assets are undeveloped vacant lots.
3. Upon appointment, Court granted the power to sell real or personal property of the estate without confirmation of a court sale other than the personal residence of the conservatee. Conservator asks that court allow her to continue to have independent authority to deal with, and sell without prior court authorization, conservatee's vacant lots. JTD.
4. Conservator waives compensation.
5. Attorney fees in the amount of \$2,750 requested, representing 18.33 hrs. at \$150/hr. Itemized. \$2,500 deposit given to attorney to be deducted from amount of fees authorized. Attorney also requests reimbursement of \$1,687 for costs and expenses.

RECOMMENDATION

Clear notes. If approved, need to set next hearing on accounting for either **2/2/11**(1 yr) or **2/1/12** (2 yrs). Accounting to be filed 30 days in advance.
(smj/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/02/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0900066

CASE NAME: WILLIAM BENFORD

SEE ALSO 17

HEARING:

Petition for INSTRUCTIONS BY CONSERVATOR; DECLARATION OF R.
DENNIS FRENCH, ETC

COUNSEL:

MARY BANKS	(PCR)...	ROBERT A. FAIRFIELD
WILLIAM BENFORD	(PCE)...	ANDREA G. VAN LEESTEN
R. DENNIS FRENCH	(CE)...	R. DENNIS FRENCH
WILLIAM BENFORD	(CTE)...	ROBERTA L. TAYLOR & ASSOCIATES
VETERANS ADMINISTRATION	(TP)...	
SOUTHERN CALIFORNIA BONDING SE	()...	

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for instructions by conservator (re spending on vacations).

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatorship of estate was established in 1987.
2. Conservator seeks authority to spend up to \$3,500 per vacation for two vacations per year (\$7,000/yr) for conservatee. As has been approved in prior accounting, expenses would include caregiver and family.
3. Proof of service filed. No opposition filed as of date of review.
4. Suggest court require report of appointed counsel, Roberta Taylor.

RECOMMENDATION

Court's discretion.

(abs)

FUTURE HEARINGS:

4/09/12 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/02/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0900066

CASE NAME: WILLIAM BENFORD

SEE ALSO 16

HEARING:

Petition for AND DECLARATION OF ROBERTA L. TAYLOR REGARDING
ATTORNEY FEES AND REQUEST TO BE RELIEVED

COUNSEL:

MARY BANKS (PCR)...ROBERT A. FAIRFIELD
WILLIAM BENFORD (PCE)...ANDREA G. VAN LEESTEN
R. DENNIS FRENCH (CE)...R. DENNIS FRENCH
WILLIAM BENFORD (CTE)...ROBERTA L. TAYLOR & ASSOCIATES
VETERANS ADMINISTRATION (TP)...
SOUTHERN CALIFORNIA BONDING SE ()...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for fees by appointed counsel and request to be relieved.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Appointed counsel, Roberta Taylor, seeks \$8,920 fees. Itemized. Based upon an untotaled number of hours, atty at \$240-\$280/hr for attys and \$80/hr for paralegal services.
2. Counsel also seeks to be relieved on basis that she was appointed during period of transfer from Los Angeles County but two accountings and a petition for substituted judgment have since been approved and there are no further need for her services.

RECOMMENDATION

Court's discretion re fees an discharge.

(abs)

FUTURE HEARINGS:

4/09/12 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/02/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0900106

CASE NAME: CANDICE MAY SIMMERS

HEARING:

Petition for COURT APPOINTED ATTORNEY FEES & DECLARATION OF
SANDY TURNER

COUNSEL:

GEORGE J SIMMERS	(CPE)...	CALDWELL, KENNEDY & PORTER, A.
CANDICE MAY SIMMERS	(CEP)...	
MARY ANN SIMMERS	(CPE)...	JEANNE E KENNEDY
SANDRA L. TURNER	(PET)...	DAVID & TURNER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition for court-appointed attorney fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner, Sandra Turner, was appointed for the conservatee 5/14/09.
2. Petitioner requests fees of \$6,963.75 billed at \$250/hour for attorney and \$150/hour for secretary for a total of \$28.4 hours. Compensation for secretary services is not permitted. Court may wish to reduce the requested fees by \$307.50. Alternatively, need qualifications of paralegal per CRC 7.754.

RECOMMENDATION:

Need to clear note 2, then Court's discretion.

(kra)

FUTURE HEARINGS:

8/25/10 Accounting Review

6/22/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/02/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0900134

CASE NAME: RUBEN R DURAN

SEE ALSO 20

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of DELIA VILLARREAL

COUNSEL:

DELIA VILLARREAL	(CPE)...GREGORY T ANNIGIAN
RUBEN R DURAN	(CEP)...LENITA A SKORETZ

GENERAL INFORMATION

Continued from 4/28/10. No appearance by conservator or her counsel. Court ordered that both appear at next hearing. Clerk mailed notice.

THIS CASE IS SET FOR HEARING ON
Conservatorship Compliance Review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

1. Conservatorship petition granted on 9/10/09. Order for conservatorship of person and estate issued on 12/29/09. Amended order issued 3/24/10(dementia medical powers added); Letters issued 3/26/10.
2. Conservatorship education course completed.
3. Need proof of service of a copy of the Order for Conservatorship with Notification of Conservatee's rights per Pr.C. §1830(c).
4. Need care plan per Pr.C., § 2352.5.
5. Need final Inventory & Appraisal per Pr.C. § 2610.
6. Need proof of service of Inventory & Appraisal including Instructions for Objection per Pr.C. § 2610.
7. If the conservatorship estate holds interest in real property, need proof of recordation of letters in each county where the real property is located or where conservatee has security interest in real property per Pr.C. § 2313.
8. Court Investigator 6 -month report filed on 2/26/10.

RECOMMENDATION

Need to clear notes.

(smj/abs)

FUTURE HEARINGS:

11/17/10 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/02/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0900134

CASE NAME: RUBEN R DURAN

SEE ALSO 19

HEARING:

Hearing Re: OSC RE: CONSERVATEE'S VOTER'S RIGHTS

COUNSEL:

DELIA VILLARREAL	(CPE)...GREGORY T ANNIGIAN
RUBEN R DURAN	(CEP)...LENITA A SKORETZ

GENERAL INFORMATION

Continued from 4/28/10. No appearance by conservator or her counsel. Court ordered that both appear at next hearing. Clerk mailed notice.

THIS CASE IS SET FOR HEARING ON
OSC re: Conservatee's Voting Rights

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

1. This matter set on 3/11/10. Notice given by Courtroom Clerk.
2. Note that amended order issued on 3/24/10 provides that conservatee is disqualified from voting.

RECOMMENDATION

Court's discretion.

(smj/abs)

FUTURE HEARINGS:

11/17/10 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/02/10 TIME: 10:30 DEPT: S34P

CASE#: VC VS00550

CASE NAME: MATTER OF ESTHER ALICE TUCKER
SEE ALSO 22

HEARING:
Petition for REDUCTION OF BOND

COUNSEL:
FRANKLIN WALKER (PET)...GABRIELLE R RANSDELL
CLINTON WALKER (PET)...GABRIELLE R RANSDELL
ESTHER ALICE TUCKER (CPE)...ANNETTE G DEBELLEFEUILLE
ATLAS INTERNATIONAL & ASSOCIAT(TP)...WENDY L. MATTHEWS

See next page.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/02/10 TIME: 10:30 DEPT: S34P

CASE#: VC VS00550

CASE NAME: MATTER OF ESTHER ALICE TUCKER

SEE ALSO 21

HEARING:
SECOND AND FINAL Account and Report of FRANKLIN WALKER, CLINTON WALKER and Petition for allowance of fees filed.

COUNSEL:

FRANKLIN WALKER (PET)...GABRIELLE R RANSELL
CLINTON WALKER (PET)...GABRIELLE R RANSELL
ESTHER ALICE TUCKER (CPE)...ANNETTE G DEBELLEFEUILLE
ATLAS INTERNATIONAL & ASSOCIAT(TP)...WENDY L. MATTHEWS

GENERAL INFORMATION

Continued from 4/28/10 to review supplement filed same day.

THIS CASE IS SET FOR HEARING ON
Second and final account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatorship of person and estate was established in 2007.
2. Conservatee passed away on 2/9/10.
3. Accounting period 10/4/07 to 2/9/10. Does court wish to require a post-death accounting period to bring accounting current?
4. Assets on hand \$4,486.21.
5. Atty requests \$4,400 fees. Itemized. Calculated based upon 17.6 hrs at \$250/hr. JTD.
6. Disbursements show multiple payments to a Clinton Walker, Jr. (petitioner's son?) for "removal of debris," etc. There has been no disclosure of relationship/affiliation of payees in the accounting. Need verified supplement addressing. **Supp: Distribution to son of one co-conservator for debris removal.**

7. Requested fees do not quite total the assets on hand and there is no proposed distribution of the net conservatorship estate. Need verified supplement addressing. **Supp: Distribution to be made to representative of conservatee's estate.**
8. Petitioner previously requested bond reduction to \$2,000 on basis that assets had been spent down to maintain benefits eligibility. JTD.

RECOMMENDATION

RFA subject to court's determination re note 3 and fees. If approved, set hearing re receipts and final discharge for 6/8/11.

(abs)